

REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

Claims 1-30 are pending. Claims 1-4, 5, 10-12, 16, 21-30 are amended. No new matter is introduced.

In the outstanding Office Action, Claims 3, 7, 8 and 9 were rejected under non-statutory obviousness-type double patenting in view of Claims 1 and 5-7 of U.S. Patent No. 7,594,021; Claims 1-13 and 15-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Meenan (U.S. Patent No. 7,313,384) in view of Kathail (U.S. Patent No. 6,704,752); Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Meenan and Kathail in further view of Kameda (U.S. Patent No. 5,940,772); and Claims 23-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Meenan and Kathail in further view of Hansen (U.S. Patent No. 7,103,018).

Initially, submitted herewith is Terminal Disclaimer filed in response to the non-statutory obviousness-type double patenting rejection of Claims 3, 7, 8 and 9. Applicants note that the filing of a Terminal Disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The “filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.” Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ 2d 1392 (Fed. Cir. 1991). Therefore, Applicants’ filing of the attached disclaimer is provided solely to facilitate a timely resolution to the prosecution of this application, and should not be interpreted as an admission as to the merits of the obviated rejection. Accordingly, Applicants respectfully request that the non-statutory obviousness-type double patenting rejection of Claims 3, 7, 8 and 9 be withdrawn.

With respect to the rejection of Claims 1-13 and 15-22 as being unpatentable over Meenan in view of Kathail, Claim 1 is amended to recite, *inter alia*, an information communication system that includes a first information communication apparatus including an input device to receive an external mechanical input, and a second information communication apparatus including an input device to receive an external mechanical input, where:

...said first information communication apparatus communicates the predetermined communication information to the second information communication apparatus via the wire circuit *when both the input device of the first information communication apparatus and the input device of the second information communication apparatus receive external mechanical inputs* independently of said network and said wire circuit, said second information communication apparatus setting the communication information transmitted thereto from said first information communication apparatus, said first and second information communication apparatuses utilizing the communication information to perform communication therebetween via the network. (Emphasis added.)

Turning to the primary reference, Meenan describes a method of configuring a home-networking system using a host system to store the configuration information.¹ Meenan describes the home-networking system (100) as including multiple home-network devices (112) interconnected via a home-networking gateway (15), and a host system (12) also connected to the home-networking gateway (15) via a communication device (19) and a communication link (130).² In operation, Meenan describes that when a home-networking gateway (115) is added to the home network, the host system (120) provides the configuration information (124) to the home-networking gateway (115) to avoid cumbersome manual configuration.³ Meenan also describes that a user may enter configuration

¹ Meenan at column 2, lines 33-48.

² Meenan at column 2, lines 49-55 and Figure 1.

³ Meenan at column 6, line 65-column 7, line 2 and also column 8, lines 8-16.

information via a client device (210), which then submits the configuration information to a home-networking gateway (215) for forwarding to a host system (220).⁴

However, Meenan does not describe that the configuration information is transferred from the client device (210) to the home-networking gateway (215) in response to an external input at both the client device (210) *and the home-networking gateway (215)*. Instead, Meenan merely describes that a user inputs the configuration information at the client device (210), and that the client device forwards the information to the host system (220) via the home-networking gateway (215).⁵ In other words, Meenan describes that the configuration information is manually entered at the client, and forwarded to the home-networking gateway (215) and the host system (220) *without additional inputs at the home-networking gateway (215) or host system (220), mechanical or otherwise*. Conversely, amended Claim 1 recites that the first information communication apparatus communicates the predetermined communication information to the second information communication apparatus when *both the input device of the first information communication apparatus and the input device of the second information communication apparatus receive external mechanical inputs*. Therefore, Meenan fails to disclose the input device of the first information communication apparatus and the input device of the second information communication apparatus as recited in amended Claim 1.

Further, as acknowledged in the outstanding Office Action, Meenan also fails to disclose receiving an external mechanical input.⁶ To cure this deficiency, the outstanding Office Action cites Kathail as describing this feature.

Kathail describes a system for configuring a router using a centralized database provided in an internet operating system.⁷ Kathail describes that the centralized database (sys

⁴ Meenan at column 11, lines 20-45.

⁵ Id.

⁶ See the outstanding Office Action at page 6.

DB) tracks and maintains configuration transactions so that the router may be reverted to a previous configuration upon a user request.⁸ Kathail also describes that the router is manually configured through software configuration commands provided *via a computer or other data processing device operatively coupled to the router using a software program.*⁹

However, Kathail does not describe that both the router and the computer operatively coupled thereto receive *external mechanical inputs*, much less that the configuration of the router is performed in response to receipt of external mechanical input at both the router and the computer.¹⁰ Instead, Kathail describes that manual configuration of the router is performed *at the computer.*¹¹ No where, however, does Kathail describe receiving external mechanical input at the router, much updating the router based on mechanical inputs received at both the computer and the router. As such, Kathail fails to disclose communicating the predetermined communication information to the second information communication apparatus via the wire circuit when *both the input device of the first information communication apparatus and the input device of the second information communication apparatus receive external mechanical inputs*. Therefore, Kathail does not cure the deficiencies in Meenan discussed above, and no combination of Meenan and Kathail describe every feature recited in amended Claim 1, and amended Claim 1 is believed to be in condition for allowance, together with any claims depending therefrom.

Moreover, amended Claims 2-3, 10-12 and 21-22 recite features substantially similar to those recited in amended Claim 1, and are believed to be in condition for allowance for substantially similar reasons, together with claims depending therefrom. Accordingly, it is

⁷ Kathail at column 5, lines 7-12.

⁸ Kathail at column 5, lines 5-15.

⁹ Kathail at column 4, lines 53-63.

¹⁰ Kathail at column 4, lines 53-63.

¹¹ Kathail at column 4, lines 53-63.

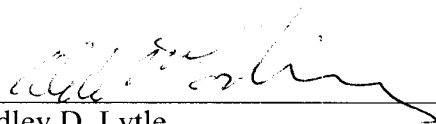
respectfully requested that the rejection of Claims 1-13 and 15-22 under 35 U.S.C. § 103(a) be withdrawn.

As all other rejections of record rely upon Meenan and Kathail to describe the above-distinguished features, and the above-distinguished features are neither suggested nor disclosed by Meenan and/or Kathail, alone, in combination or in combination with any other art of record, it is respectfully submitted that a *prima facie* case of obviousness cannot be maintained. Accordingly, it is respectfully requested that the rejection of Claims 14 and 23-30 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-30 is earnestly solicited.

Respectfully submitted,

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